

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0133 – Doak Rezoning

Z.A.P. DATE: September 4, 2007
October 16, 2007

ADDRESS: 3103 and 3105 West Slaughter Lane

OWNER / AGENT: Philip and Mary Ellen Doak

ZONING FROM: SF-2

TO: NO

AREA: 0.352 acres
(approximately 15,333.12 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant neighborhood office – conditional overlay (NO-CO) combining district zoning. The Conditional Overlay limits the number of driveways on West Slaughter Lane to one.

ZONING & PLATTING COMMISSION RECOMMENDATION:

September 4, 2007: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO OCTOBER 16, 2007.*

[K. JACKSON, S. HALE – 2ND] (8-0)

October 16, 2007: *DENIED THE STAFF RECOMMENDATION FOR NEIGHBORHOOD OFFICE (NO) DISTRICT ZONING.*

[T. RABAGO, B. BAKER – 2ND] (6-0) C. HAMMOND; J. GOHIL – ABSENT

ISSUES:

A valid petition of 44.18% has been filed by the adjacent property owners in opposition to this rezoning request.

The subject rezoning area is platted as Block A, Lots 4 and 5 of Tanglewood Forest Section Four, Phase-E (C8-82-032.02.1(84)). There is a 20 foot wide Access and Public Utility Easement that straddles the property line between Lots 1 through 5 that have West Slaughter Lane frontage and Lots 8 through 11 that have Foxton Cove frontage. The access easement is constructed as a driveway from Slaughter Lane on Lot 1 to the west and serves the five lots that are developed with office and commercial uses and a rear parking area, including the subject two lots. There is a wood privacy fence located at the edge of the driveway, and both the fence and the driveway are inside of the property boundary of residential lot that fronts on Foxton Cove.

There is also a plat note that states, "Individual driveway access to Riddle Road (note: re-named as Slaughter Lane) is prohibited from Lots 1-5, Block A". The two lots being

considered for rezoning also have one direct, shared driveway to West Slaughter Lane, and thus are not in conflict with the plat note.

DEPARTMENT COMMENTS:

The subject area is zoned single family residence standard lot (SF-2), consists of an insurance agency office and an adjacent parking area, has direct access to West Slaughter Lane as well as a driveway within a platted access easement at the rear of the property. The south side of West Slaughter Lane between Rochelle Drive and Rocking Horse Road consists of one single family residence at the corner of Rochelle and Slaughter Lane (SF-2), office / commercial uses and a shared driveway and parking area (SF-2), and a rehabilitation center (I-RR). Single family residences within Section 4, Phase E of Tanglewood Forest subdivision are adjacent to the south (SF-2). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The insurance agency office has been in operation since 1992, prior to annexation into the City limits, and therefore is considered a legal, non-conforming use. The Applicant proposes to rezone the lot to the neighborhood office (NO) district consistent with the existing office use. The subject lots as well as the adjacent three lots to the west have been removed from the subdivision's Covenants and Restrictions.

Since 1998, rezoning requests from SF-2 to office and commercial districts have been made for many properties on West Slaughter Lane. The rezonings have provided for the conversion of single family residences to office (NO and LO), civic and a limited number of neighborhood commercial (LR) uses. Staff recommends NO district zoning in the context of its location on an arterial roadway, compatibility with the adjacent office uses and single family residences.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Insurance agency office with an adjacent parking and driveway area
<i>North</i>	MF-3-CO; LR-CO; RR; SF-1	Convalescent services; Retail shopping center; Indoor sports and recreation; Convenience storage; Dentist's office
<i>South</i>	SF-1; SF-2	Single family residences within Tanglewood Forest
<i>East</i>	SF-2; SF-3	One single family residence; Park; Duplexes
<i>West</i>	SF-2; I-RR	Office; Commercial businesses; Parking area; Rehabilitation center

AREA STUDY: N / A

TIA: Is not required

WATERSHED: Slaughter Creek –
Barton Springs Zone

DESIRED DEVELOPMENT ZONE: No

NEIGHBORHOOD ORGANIZATIONS:

384 – Save Barton Creek Association 385 – Barton Springs Coalition
 428 – Barton Springs / Edwards Aquifer Conservation District
 465 – Cherry Creek on Brodie Neighborhood Association
 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District
 786 – Home Builders Association of Greater Austin
 918 – Davis Hill Estates HOA 943 – Save Our Springs Alliance
 959 – Villages Neighborhood Association 997 – Tanglewood Oaks Owners Association

SCHOOLS:

Baranoff Elementary School

Bailey Middle School

Bowie High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0150 – Slaughter Lane Multifamily	MF-4-CO to MF-4-CO to change conditions of zoning, being an increase the height and reduction of the density	To Grant MF-4-CO with changes to the previous CO being a reduction of the zoning impervious cover to 15% and the density to 6.2 dwelling units per acre, and allowing up to 60 feet in height	Approved MF-4-CO for 7.25 acres with the CO as ZAP recommended, plus a two-star Green Building rating for buildings over 45 feet tall and a 646 foot setback from adjacent residentially zoned property (8-9-06).
C14-04-0090 – Star Center	LR-CO to GR-CO	To grant GR-CO with CO allows personal improvement services and all NO-CO uses	Approved GR-CO as ZAP recommended, with a Restrictive Covenant addressing IPM / Grow Green and coal-tar based sealants (8-26-04).
C14-03-0143 – Slaughter Assisted Living	I-RR to MF-3-CO	To Grant MF-3-CO with CO to include convalescent services as the only permitted use and all other SF-6 uses	Approved MF-3-CO as ZAP recommended (12-11-03).
C14-03-0165 – Shaid Zoning	I-RR to SF-6	To Grant SF-6	Approved SF-6 as ZAP recommended (4-22-04).
C14-02-0173 –	DR to GR	To Grant NO-CO with	Approved NO-CO

Tristan		conditions of no additional impervious cover; prohibit access to Rocking Horse Road.	with the CO establishing the maximum impervious cover at 21.9 percent and prohibiting access to Rocking Horse Road (7-17-03).
C14-02-0118 – Shady Hollow Retail Center	LO-CO to GR	To Grant GR-CO w/CO for list of prohibited uses, 40' height and 2,000 trips.	Approved GR-CO as recommended by ZAP (12-5-02).
C14-02-0102 – 3401 Joint Venture	I-SF-2; SF-2 to LO-MU-CO; LR, as amended	To Grant LR-MU-CO with list of prohibited uses, 2,000 trips and 8 driveway cuts.	Granted LO-CO for Tracts 1 and 2 and LR-CO for Tract 3 (3-27-03).
C14-01-0159 – Austin Star	LO-CO to SF-3	To Grant SF-3	Approved SF-3 (1-10-02).
C14-00-2032 – Texcon Convenience Store	LR-CO to LR-CO	To Grant LR-CO w/conds.	Approved LR-CO w/conditions (4-20-00).
C14-99-0070 – Westoak Woods Baptist Church	I-RR to GO	To Grant GO-CO w/conds.	Approved GO-CO w/conditions (12-2-99).
C14-97-0156 – Southland Oaks Municipal Utility District	I-RR and I-SF-2 to RR; SF-1; SF-2; SF-3; SF-4; SF-6; GR; P	To Grant RR; SF-2; SF-4A; LO; LR; and P	Approved RR; SF-2; SF-4A; LO; P w/conditions (6-25-98).
C14-96-0039 – Dennis & Faye Artale	I-RR to GR; LR	To Grant GR-CO on Tract 1; LR-CO on Tract 2	Approved as per PC recommendation (5-23-96).

RELATED CASES:

The property was annexed into the City limits on December 31, 1997.

The rezoning area represents Block A, Lots 4 and 5 of Tanglewood Forest, Section Four Phase-E, recorded in March 1985 (C8-82-32.02.1(84)). Please refer to Exhibit B. There are no pending site plan applications on the subject property.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
West Slaughter Lane	90 – 100 feet	87 feet	Arterial	Yes	Yes	Yes

CITY COUNCIL DATE: May 8, 2008

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719



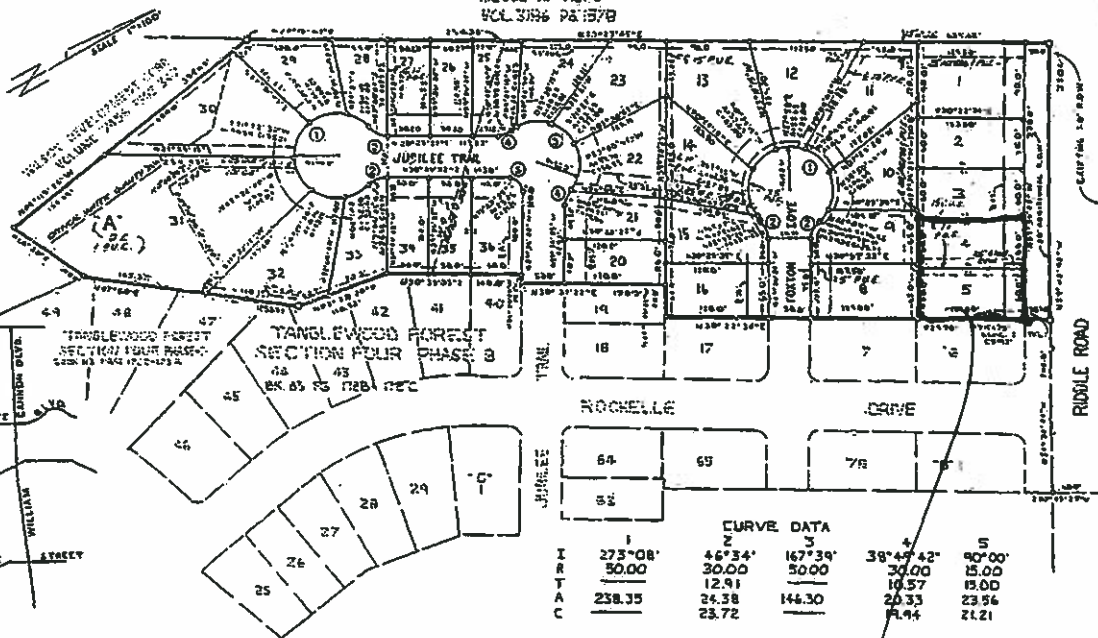
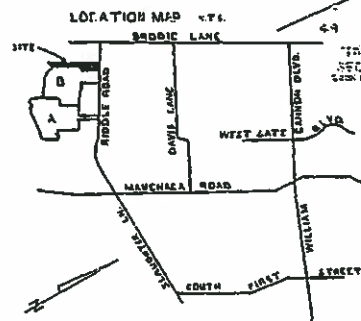
TANGLEWOOD FOREST SECTION FOUR PHASE-E

1851
JAN 15

JESSE H. HEAD
VOL. 3186 PAGE 187B

LEGEND

- IRON PIN SET
 - IRON PIN FOUND
 - CONCRETE MONUMENT SET
 - CONCRETE MONUMENT FOUND
 - BUILDING LINE
 - PUBLIC UTILITY EASEMENT
- 4 OCTOBER 1931



REZONING
REQUEST
FROM GF-2
TO NO

EXHIBIT B
RECORDED PLAT

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant neighborhood office – conditional overlay (NO-CO) combining district zoning. The Conditional Overlay limits the number of driveways on West Slaughter Lane to one.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

- 1. The proposed zoning should be consistent with the purpose statement of the district sought.*

The neighborhood office (NO) district is intended for offices predominantly serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods. Offices in the NO district would typically locate on collector streets with a minimum of 40 feet of pavement width, and would not unduly affect traffic in the area. The NO district is designed to accommodate small, single-use offices and to encourage and preserve compatibility with existing neighborhoods through renovation and modernization of existing structures.

- 2. Zoning changes should promote an orderly and compatible relationship among land uses.*

The rezonings have provided for the conversion of single family residences to office (NO and LO), civic and a limited number of neighborhood commercial (LR) uses. Staff recommends NO district zoning in the context of its location on an arterial roadway, compatibility with the adjacent office uses and single family residences.

EXISTING CONDITIONS**Site Characteristics**

The subject property contains an insurance agency office and an adjacent parking area and rear driveway.

Environmental & Impervious Cover

This site is located over the Edward's Aquifer Recharge Zone. The site is in the Slaughter Creek Watershed of the Colorado River Basin, which in this area is classified as a Barton Springs Zone (BSZ) watershed. It is in the Drinking Water Protection Zone.

The existing lots were platted prior to November 1, 1991, and as such are subject to the provision referenced in LDC 25-8-516 (within Article 12: Save Our Springs Initiative) with respect to existing tracts and platted lots. This limits development of each lot to a maximum of 8,000 square feet of impervious cover, including that existing before and after the development. Therefore, if the platted lots remain zoned SF-2, then a maximum of 8,000 square feet of impervious cover is allowed on each lot, and this includes renovation,

additions to, repair and construction of improvements incidental to that residential use. However, in this case, the impervious cover established by zoning is more restrictive and a maximum of 45% is allowed under the existing SF-2 zoning. The same provisions apply with NO district zoning, and the maximum impervious cover would be 60% percent.

According to flood plain maps, there is no flood plain within the project location.

The site is not located within the endangered species survey area.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

Transportation

If the requested zoning is granted, it is recommended that joint access be provided between the two lots.

No additional right-of-way is needed at this time.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Site Plan and Compatibility Standards

The site is subject to compatibility standards. Compatibility Standards are applicable to all property adjoining or across the street from a lot zoned or used as SF-5 or more restrictive, or within 540 feet from a lot zoned SF-5 or more restrictive. The adjacent lots to the South are zoned SF-2. The lot to the West is zoned SF-2. The lot to the East is zoned SF-2.

Along the southern property line, the following standards apply:

- No structure may be built within 25 feet of this property line adjacent to the SF-2 property (25-2-1062).
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No parking is allowed within 25 feet and no driveways are allowed within 23 feet of the property line (25-2-1067).
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Along the western and eastern property lines, the following standards apply:

- No structure may be built within 25 feet of this property line adjacent to the SF-2 property (25-2-1062).
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the single family lot's property line.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

Rhodes, Wendy

From: Paul Sherrill [pksherrill@yahoo.com]
Sent: Tuesday, September 04, 2007 7:26 AM
To: Rhodes, Wendy
Subject: Hearing Postponement

Wendy,

I would like to postpone the hearing set for this afternoon at 6:00 PM regarding Case Number: C14-2007-0133. Adequate time is needed to work out some agreements dealing with access to the property and where the fences in between the properties should be placed. I request that this hearing be delayed until October 2.

Please let me know if you have any questions or concerns, and please call to confirm that this hearing has been postponed.

Thanks,
Paul Sherrill

3102 Foxton Cv.
Austin, TX 78748

512-971-9921

Boardwalk for \$500? In 2007? Ha!
[Play Monopoly Here and Now](#) (it's updated for today's economy) at Yahoo! Games.

9/4/2007

P E T I T I O N

Date: 9/19/2007

File Number: CM-2007-0133

Address of

Rezoning Request: 3103 and 3105 West Slaughter Lane


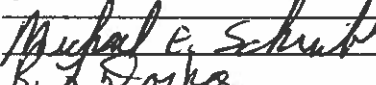

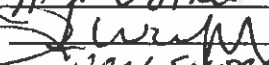





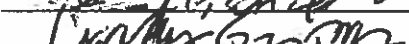



To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-2 Single Family Residence - Standard Lot.

(STATE REASONS FOR YOUR PROTEST)

- Safety, property damage, and business traffic issues owner is not willing to address.
- Rezoning would allow additional businesses to be added to current structure and development of addition lot would only lead to increase current problems.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	STEVEN A. SCHRIBER	3104 FOXTON COVE
	Michael E. Schriber	3106 Foxton Cove
	Ronald F. Dorke	3108 Foxton Cove
	Heidi Wolff	3108 Foxton Cove
	PAUL SHERRILL	3102 FOXTON COVE
	STANLEY W. MSHAM	3105 FOXTON COVE
	Richard Brumback	3103 Foxton Cove
	TED TREVINO	3100 FOXTON COVE
	Michael Scott Mahoney	3101 Foxton Cove
	Cynthia Grooms	3101 Slaughter Ln
	Cindy Grooms	3015 Foxton C
	James Morton	3107 Foxton C
	Debora Morton	3107 Foxton C

Date: 9/19/2007

Contact Name: Mike Schriber

Phone Number: 743-7687

PETITION

Case Number:

C14-2007-0133

Date:

Sept. 20, 2007

Total Area within 200' of subject tract: (sq. ft.)

224,843.98

1	<u>04-2825-0450</u>	<u>GROOMS SHELDON & CINDY</u>	<u>11185.68</u>	<u>4.97%</u>
2	<u>04-2825-0801</u>	<u>GRANADO CASMIRO A & GLORIA Q</u>	<u>18450.50</u>	<u>8.21%</u>
3	<u>04-2825-0802</u>	<u>TREVINO TEDDY</u>	<u>16122.03</u>	<u>7.17%</u>
4	<u>04-2825-0809</u>	<u>SHERRILL PAUL K III</u>	<u>10008.87</u>	<u>4.45%</u>
5	<u>04-2825-0810</u>	<u>SCHRIBER STEVEN A SCHRIBER MICHAEL</u>	<u>9677.77</u>	<u>4.30%</u>
6	<u>04-2825-0811</u>	<u>EUGENE</u>	<u>10708.59</u>	<u>4.76%</u>
7	<u>04-2825-0812</u>	<u>DORKO RONALD F & HEIDI B WOLFF</u>	<u>11755.19</u>	<u>5.23%</u>
8	<u>04-2825-0901</u>	<u>MAHONEY MICHAEL S</u>	<u>3987.85</u>	<u>1.77%</u>
9	<u>04-2825-0904</u>	<u>MCHAM STANLEY W & GAIL S</u>	<u>2603.31</u>	<u>1.16%</u>
10	<u>04-2825-0905</u>	<u>BRUMBACK RICHARD III</u>	<u>2996.87</u>	<u>1.33%</u>
11	<u>04-2825-0907</u>	<u>MORTON JAMES W & DEBORA J</u>	<u>1830.63</u>	<u>0.81%</u>
12				<u>0.00%</u>
13				<u>0.00%</u>
14				<u>0.00%</u>
15				<u>0.00%</u>
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Validated By:

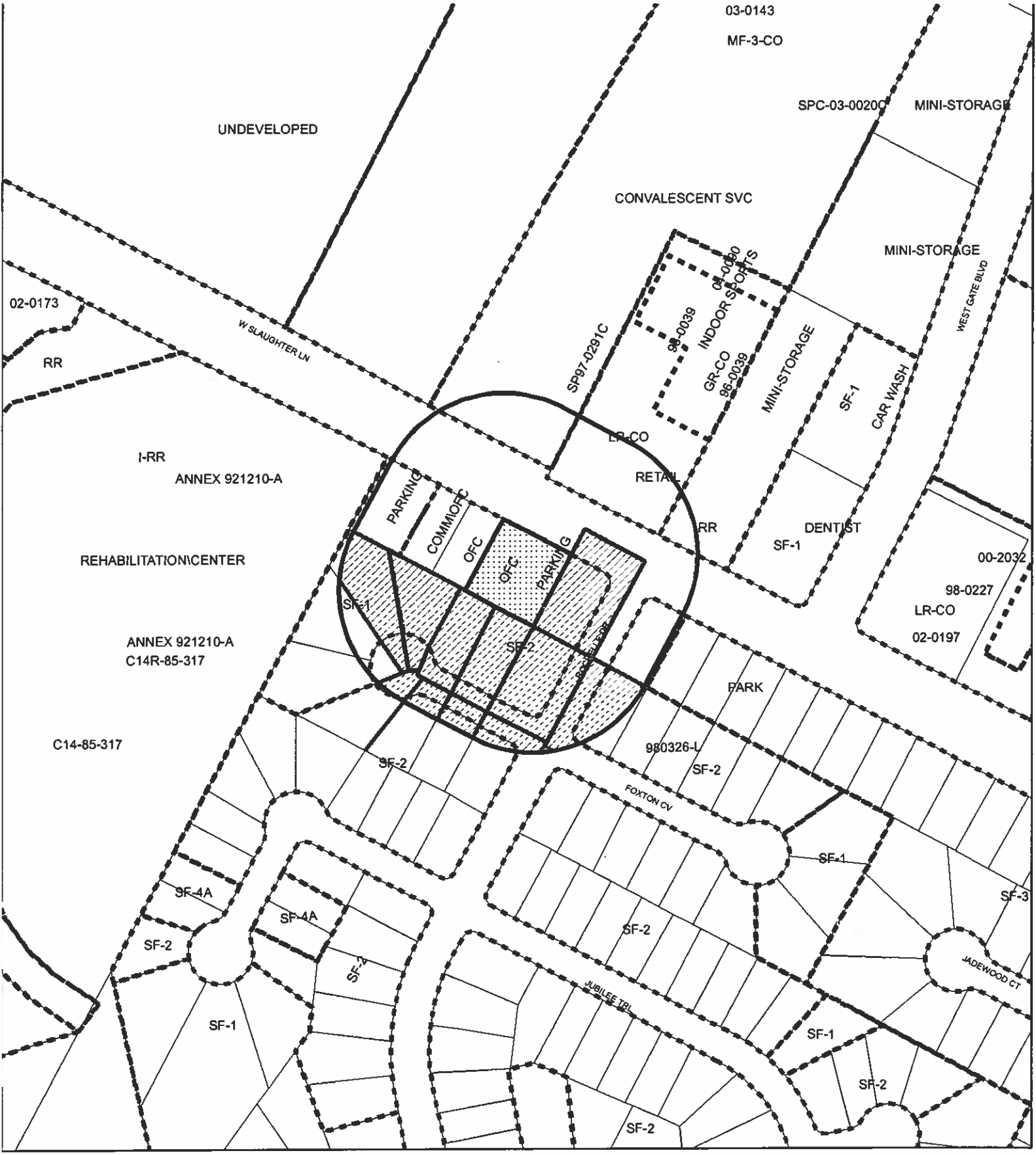
Stacy Meeks

Total Area of Petitioner:

99,327.27

Total %

44.18%



PETITIONS

CASE#: C14-2007-0133
ADDRESS: 3103 & 3105 W SLAUGHTER LANE
GRID: D14-15
CASE MANAGER: W. RHOADES



N

Subject Tract

Property Owner

Buffer

Zoning Boundary

1" = 200' OPERATOR: SM

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

8. **Rezoning:** C14-2007-0170 - Zoning for 13686 N. US 183
Location: 13686 U. S. 183 North, Lake Creek Watershed
Owner/Applicant: Azim K. Salehi
Request: I-SF-2 to GR
Staff Rec.: **Recommendation of GR-CO**
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
Neighborhood Planning and Zoning Department

**APPROVED STAFF'S RECOMMENDATION FOR GR-CO ZONING WITH ADDED
CONDITION TO PROHIBIT PAWN SHOPS; BY CONSENT.
[J.MARTINEZ, S.HALE 2ND] (6-0) C.HAMMOND, J.GOHIL – ABSENT**

9. **Rezoning:** C814-96-0003.06 - Pioneer Crossing PUD Amendment #6
Location: West Braker Lane at Musket Valley Trail, Walnut Creek Watershed
Owner/Applicant: Pioneer Development Corporation (Ralph Reed)
Agent: Shaw Hamilton Consultants (Shaw Hamilton)
Request: To Amend the Pioneer Crossing PUD
Staff Rec.: **Recommendation Pending - Staff Postponement Request to
11/20/07**
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
Neighborhood Planning and Zoning Department

**POSTPONED TO 11/20/07 (STAFF)
[J.MARTINEZ, S.HALE 2ND] (6-0) C.HAMMOND, J.GOHIL – ABSENT**

10. **Rezoning:** C14-2007-0133 - Doak Rezoning
Location: 3103 and 3105 West Slaughter Lane, Slaughter Creek - Barton Springs
Zone Watershed
Owner/Applicant: Philip and Mary Ellen Doak
Request: SF-2 to NO
Staff Rec.: **Recommended**
Staff: Wendy Rhoades, 974-7719, wendy.rhoades@ci.austin.tx.us
Neighborhood Planning and Zoning Department

**MOTION MADE TO DENY STAFF'S RECOMMENDATION FOR 'NO' ZONING.
[T.RABAGO, S.HALE 2ND] (6-0) C.HAMMOND, J.GOHIL – ABSENT**

SUMMARY

Wendy Rhoades, Staff, gave staff presentation.

Commissioner Baker – They can continue this use, correct?

Mrs. Rhoades – Yes.

Commissioner Baker – Are you saying that all the duplexes (across Rochelle Drive) should be offices?

Facilitator: Amber Mitchell, 974-3428

City Attorney: Clark Cornwell, 974-6482; Sharon Smith, 974-7773

Mrs. Rhoades – I would not recommend LO there because it's a park and there are existing duplexes served by an access easement that comes between the lots; they are zoned SF-3 and are in good shape. All the lots to the west of Rochelle, with exception of the corner lot, have some non-residential components.

Commissioner Baker – With the exception of this block, everything on this side of Slaughter, from the rehab center to Lindshire Lane, it's all residential. The non-residential uses are across the street. I just couldn't understand staff's recommendation, I'm sorry.

FAVOR

Philip Doak, owner – Gave a history of the property to the Commission. When the City annexed me in 1997, I came in as a non-conforming use SF-2; I'm filing the zoning change to match the zoning that's laid out by the City of Austin, NO zoning. I've owned the property for 15 years and it is a model business.

Commissioner Rabago – So you've owned it for 15 years; why now are you seeking this zoning change?

Mr. Doak – We were in the County and I was operating the property when it was annexed, I would have had the option to come in and change the zoning; I didn't feel that there was a need, the only reason I did that is the opposing people called me and threatened me to keep it single-family. It was conforming and there was no need to change the zoning, I was also concerned when that statement was made to me, so I didn't change the zoning.

Commissioner Jackson – I recall when this came up last time; is there any reason that lot 6 needs access to that easement in the back?

Mr. Doak – Lot 6 is in another section. It doesn't need access, but it has a driveway easement platted, it's platted as a driveway easement but not being used today.

Mr. Jackson – Lots 1, 2, 3, 4 & 5 use the access to the side and then go back to the back, it is definitely the safest way on this street; I use this access everyday. The only people that come in through the front are the occasional customers.

OPPOSITION

Mike Schriber, property owner – Spoke in opposition; he gave a power point presentation to the Commission. We want to move the fence back to the property line, that's how we feel we can solve our issues with the businesses behind us. Mr. Schriber explained that there was trash on the proposed property; complained that his fence has been hit and broken, no one has admitted to the damage or has paid to repair it. He feels that the private drive has been misused; he expressed safety concerns and property damage; feels that the area is getting industrialized.

Commissioner Baker – I haven't heard you say whether you're for or against NO zoning; that's all we can do tonight.

Mr. Schriber – We cannot support his zoning request, if he cannot support our concerns.

Commissioner Jackson – Do you know if he expanded his parking as part of his business, or was that done as part of the model homes when they were originally put in place there?

Mr. Schriber – The drive was put in by the developer, he put it in as a private drive and it's up to the homeowners to maintain it.

Commissioner Jackson – How about the parking lot?

Mr. Schriber – I want to say that that was probably there. The concern we have is the growth of the nuisance.

Steve Schriber, property owner – Spoke in opposition. Expressed concerns about driveway use; he stated that the developer has not been cooperating and has shown lack of cooperation to the neighbors. We don't have a problem with him keeping the current zoning and maintaining the business as it is now. I have to finance the repairs to the fence.

Commissioner Shieh – The damage to your property, is that from this business or is it coming from the other businesses nearby?

Mr. Schriber – Nobody wants to claim responsibility for the damage, the finger just gets pointed back and forth.

REBUTTAL

Mr. Doak – In the past 15 years that fence has never been replaced. The only thing that has been broken is one post, I approached Mr. Schriber and told him that I would put a fence back there and replace the fence on my side up to his, but he didn't want anything to do with that. I haven't expanded, I'm the only business there; I do not know who broke the post. Our lots have been pulled out of the articles of the subdivision, we are not single-family, we have always been a business and we have a right to run a business; this is actually safer than having a single-family home there. The driveway is a platted driveway easement and is specifically for people to drive into the back and be safer. I'm not adding on, I just have the same building; it's not my intention to add on.

Commissioner Martinez and Rabago moved to close the public hearing.

Commissioner Rabago – Made a motion to deny the request for NO zoning.

Commissioner Martinez – Second.

Commissioner Rabago – It is SF-2 zoning and because he's been there since 1992, I don't think that is reason enough to change it at this point.

Commissioner Shieh – Would he be able to continue his business if we approve this motion?

Commissioner Baker – Yes, he can still continue; he will not be able to continue if he has outside storage or if that was his use; he's a legal non-conforming use.

Commissioner Hale – Is there an expiration time on that?

Commissioner Baker – There can be, but not on this particular one until he pulls a permit or something.

Commissioner Baker – He probably made our case for us, better than the brothers who spoke and that was when he said that it was built for a 'model home'; he did not say a 'model office'.

Commissioner Baker – You can continue your use sir and I wish you luck, but at this juncture the request is inappropriate.

Motion carried. (6-0)

11. Rezoning: C14-2007-0149 - Sitric House and Home L.L.C.
Location: 3401 West Slaughter Lane, Slaughter Creek - Barton Springs Zone Watershed
Owner/Applicant: MacJ (Margaret and Malachy McGettrick)
Request: LO-CO to LR
Staff Rec.: **Not Recommended; Postponement request by the Applicant and Neighborhood to December 18, 2007.**
Staff: Wendy Rhoades, 974-7719, wendy.rhoades@ci.austin.tx.us
Neighborhood Planning and Zoning Department

POSTPONED TO 12/18/07 (APPLICANT & NEIGHBORHOOD)
[J.MARTINEZ, S.HALE 2ND] (6-0) C.HAMMOND, J.GOHIL – ABSENT

12. Rezoning: C14-2007-0042 - 1801 Nelms Drive
Location: 1801 Nelms Drive, Williamson Creek Watershed
Owner/Applicant: Invest Smart Homes, Inc. (Todd Rayer)
Agent: Thrower Design (Ron Thrower)
Request: SF-3; SF-3-H to MF-4; MF-4-H
Staff Rec.: **Recommended.**
Staff: Jerry Rusthoven, 974-3207, jerry.rusthoven@ci.austin.tx.us
Neighborhood Planning and Zoning Department

POSTPONED TO 11/20/07 (APPLICANT)
[J.MARTINEZ, S.HALE 2ND] (6-0) C.HAMMOND, J.GOHIL – ABSENT